

Nays—15

Ashley	Moffett
Bracewell	Parkhouse
Kazen	Phillips
Kelley	Rogers
Latimer	of Childress
Lock	Sadler
Martin	Secrest
McDonald	Weinert

Absent

Colson

Absent—Excused

Rutherford

House Bill on First Reading

The following bill received from the House was read the first time and was referred to the following committee:

H. B. No. 278, To the Committee on Counties and County Boundaries.

Message From the Governor

The following message received from the Governor today was read and was referred to the Committee on Nominations of the Governor:

Austin, Texas,
March 9, 1953.

To the Senate of the Fifty-third Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Judge of the 134th Judicial District Court to fill the unexpired term of Honorable W. M. Taylor, Jr., resigned, effective March 15, 1953:

Charles E. Long, Jr., of Dallas, Dallas County.

To be Branch Pilots for the Port of Houston on the Houston Ship Channel and Galveston Bar for two year terms to expire March 9, 1955:

Henry Corry of Harris County,
W. E. Dunlap of Harris County.

Respectfully submitted,

ALLAN SHIVERS,
Governor of Texas.

Report of Standing Committee

By unanimous consent Senator Secrest submitted the following report:

Austin, Texas,
March 10, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 278, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SECREST, Chairman

House Bill 278 Ordered Not Printed

On motion of Senator Hardeman, and by unanimous consent, it was ordered that H. B. No. 278 be not printed.

Senate Bill 169 Ordered Not Printed

On motion of Senator Wagonseller, and by unanimous consent, it was ordered that S. B. No. 169 be not printed.

House Bills and Resolution on First Reading

The following bills and resolution received from the House were read the first time and referred to the committees indicated:

H. B. No. 314, To the Committee on State Highways and Motor Traffic.

H. C. R. No. 30, To the Committee on Civil Jurisprudence.

H. B. No. 26, To the Committee on Oil, Gas and Conservation.

H. B. No. 134, To the Committee on Civil Jurisprudence.

Motion to Call Committee Substitute Senate Bill 126 From President's Table

Senator Hazlewood moved to call C. S. S. B. No. 126 from the President's table.

Question—Shall C. S. S. B. No. 126 be called from the President's table?

Adjournment

On motion of Senator Weinert, the Senate at 12:10 o'clock p. m., adjourned until 10:30 o'clock a. m., tomorrow.

THIRTIETH DAY

(Wednesday, March 11, 1953)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Russell
Hazlewood	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis

Absent

Kazen

Absent—Excused

Rutherford

A quorum was announced present.

The invocation was offered by the Reverend W. H. Townsend, Chaplain, as follows:

Our Father, we have all sinned and come short of the glory of God, and are no more worthy to be called thy sons. Although unworthy, we pray that thou give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. For Christ's sake. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Rutherford was granted leave of absence for today on account of illness in his family on motion of Senator Hardeman.

Resolution Signed

The President signed in the presence of the Senate, after the caption had been read, the following enrolled resolution:

H. C. R. No. 41, Recalling H. B. No. 60 from the Governor's office.

Reports of Standing Committees

Senator Ashley submitted the following reports:

Austin, Texas,
March 11, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic to whom was referred S. B. No. 165, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ASHLEY, Chairman.

Austin, Texas,
March 11, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We your Committee on Highways and Motor Traffic, to whom was referred S. B. No. 122, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass and be not printed, but that Committee Substitute therefor, as amended, do pass and be printed.

ASHLEY, Chairman.

C. S. S. B. No. 122 was read the first time.

Senator Bell submitted the following reports:

Austin, Texas,
March 10, 1953.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 9, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass and be not printed.

BELL, Chairman.

Austin, Texas,
March 10, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 10, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BELL, Chairman.

Austin, Texas,
March 10, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 9, have had the same under consideration, and we are

instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BELL, Chairman.

Austin, Texas,
March 10, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 7, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

BELL, Chairman.

Senate Bills and Resolutions on First Reading

The following bills and resolutions were introduced, read first time and referred to the committees indicated:

By Senator Moffett:

S. B. No. 220, A bill to be entitled "An Act amending Article 1645, Revised Civil Statutes of Texas, 1925, as amended, so as to provide that any county having a population of thirty-five thousand (35,000) inhabitants, or over, according to the last preceding Federal Census, or having a tax valuation of Twenty Million (\$20,000,000) Dollars, or over, according to the last approved tax rolls, shall have a County Auditor; providing for a severability clause; providing for a repealing clause; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Bracewell:

S. B. No. 221, A bill to be entitled "An Act amending Section 1 of Senate Bill No. 143, Chapter 268, Acts of the Regular Session of the 48th Legislature, 1943, page 397, by providing for the inclusion therein of certain law schools and their graduates; providing that if any portion of this Act shall be held invalid or unconstitutional, the other portions shall remain in effect; repealing all laws in conflict herewith; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Aikin:

S. B. No. 222, A bill to be entitled "An Act applicable to any city which has issued waterworks and sewer sys-

tem and swimming pool revenue bonds reserving the right to issue additional bonds secured by and payable from revenues of the systems and swimming pool and which has voted additional revenue bonds to be so payable and secured; authorizing the issuance, sale and delivery of such additional bonds payable from and secured by revenues of the waterworks and sewer systems or revenues of the waterworks and sewer systems and the swimming pool; providing that when such additional bonds are approved by the Attorney General and registered by the Comptroller of Public Accounts they shall constitute valid and binding obligations of such city; enacting other provisions relating to the subject; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Aikin:

S. B. No. 223, A bill to be entitled "An Act to amend Subsection A of Section 5 of House Bill No. 168, Chapter 352, Acts of the Regular Session of the Fiftieth Legislature, regulating retirement compensation for State employees by reducing creditable service from thirty (30) to twenty-five (25) years, and by adding a provision entitling any member to his service retirement allowance who shall have completed twenty (20) years or more of creditable service as a law enforcement officer of the State of Texas; and also to amend Subsection E of Section 3, and Subsection A of Section 4, of House Bill No. 168, Chapter 352, Acts of the Regular Session of the Fiftieth Legislature, as amended by Senate Bill No. 229, Chapter 250, Acts of the Regular Session of the Fifty-second Legislature, reducing the period from five (5) to two (2) consecutive years, and entitling an employee to receive credit for all services rendered by him prior to and since the establishment of the Retirement System; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Aikin:

S. B. No. 224, A bill to be entitled "An Act abolishing the authority of the State Board of Education to create or establish school districts; abolishing its authority to annex territory of a military reservation to any school district; authorizing the State Board to abolish any school district

created or established by its order; providing for the disposition of the territory and the care of scholastics of the districts abolished by order of the State Board; authorizing the State Board to detach or disannex any territory previously attached or annexed to other school districts on order of that Board and providing for disposition of such territory; providing for the education of children of eligible scholastic age residing on military reservations; authorizing the county board of school trustees to transfer all eligible scholastics residing on a military reservation to a school district other than the district of their residence, and providing for the scholastic census and payment of per capita apportionment on same; providing a repealing and savings clause; and declaring an emergency."

To the Committee on Educational Affairs.

By Senator Aikin:

S. B. No. 225, A bill to be entitled "An Act authorizing members of the armed forces of the United States or of the Armed Force Reserve of the United States, or of any branch or component part of such armed forces or Armed Force Reserve, or the United States Maritime Service or the United States Merchant Marines who are at least eighteen (18) years of age to execute contracts of life insurance; removing minors' disabilities for such persons for the purpose of entering into contracts; repealing all laws in conflict; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Willis:

S. B. No. 226, A bill to be entitled "An Act amending Article 4629, Revised Civil Statutes of Texas, as amended, relating to grounds for divorce, by changing the period of living apart without cohabitation as a ground for divorce from ten years to seven years; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Lock:

S. B. No. 227, A bill to be entitled "An Act making an appropriation from the General Revenue Fund for the publication of certain proposed Constitutional Amendments and for

paying labor costs and other expenses thereto; and declaring an emergency."

To the Committee on Finance.

By Senator Lock:

S. B. No. 228, A bill to be entitled "An Act creating an additional District Court for Angelina, Cherokee and Nacogdoches Counties, Texas, to be known as the 140th District Court; adjusting the business of the 2nd District Court to the business thereof; providing for the appointment of a District Judge therefor; providing the terms of the 140th District Court created hereby and providing for continuous terms of said Court in each of said Counties; . . . etc.; and declaring an emergency."

To the Committee on Judicial Districts.

By Senator Russell:

S. B. No. 229, A bill to be entitled "The Securities Act" and repealing Article 600A, Revised Civil Statutes, as amended, and Article 1083A of the Revised Penal Code of Texas as amended, etc.; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Russell:

S. B. No. 230, A bill to be entitled "An Act prescribing what labels shall be printed in textbooks; amending Article 2876c, Revised Civil Statutes of 1925; repealing Article 2859, Revised Civil Statutes of 1925; and declaring an emergency."

To the Committee on Educational Affairs.

By Senator Latimer:

S. B. No. 231, A bill to be entitled "An Act providing for salaries of certain Justices of the Peace and Constables; providing for the number and salaries of deputies of such Justices of the Peace and Constables; providing for car allowances; providing for a severability clause; repealing all laws in conflict herewith; and declaring an emergency."

To the Committee on Counties and County Boundaries.

By Senator Corbin:

S. B. No. 232, A bill to be entitled "An Act authorizing and empowering the Board of Regents of the Texas Technological College to levy a regu-

lar fixed student fee for the purpose of operating, maintaining, and improving the Texas Technological Student Union Building; and declaring an emergency."

To the Committee on Educational Affairs.

By Senator Sadler:

S. B. No. 233, A bill to be entitled "An Act amending Article 1577, Revised Civil Statutes of Texas, 1925, providing the commissioners court may, by an order to be entered on its minutes, appoint a commissioner to sell and dispose of any real estate of the county at public auction; providing for notice; providing that where right of way property is conveyed by the State to a county and the county decides to sell such property it shall be sold with certain priorities of purchase; providing for a deed by such commissioner to convey to the purchasers such real estate; providing nothing contained in this article shall authorize any commissioners court to dispose of any lands given, donated or granted to such county for purpose of education; and declaring an emergency."

To the Committee on State Affairs.

By Senator Hazlewood:

S. B. No. 234, A bill to be entitled "An Act amending Subsection 4 of Section 2; Section 9; Subsection (b) of Section 15; Section 16; and Section 17, of the Uniform Reciprocal Enforcement of Support Act, enacted by the 52nd Legislature, approved June 1, 1951, Chapter 377, H. B. No. 192, Acts of the 52nd Legislature, page 643, so as to clothe the Court of Domestic Relations of this State with the same jurisdiction, powers, authority and duties that are, by said Act, vested in the District Court; and declaring an emergency."

To the Committee on State Affairs.

By Senator Hazlewood:

S. B. No. 235, A bill to be entitled "An Act to provide for labeling and attaching certificate of Health Authorities of another state of milk brought into this State; providing for the cancellation of such certificate and stamp; providing for personal inspection of all milk brought into this State from another State or Territory by State Board of Health, etc.; and declaring an emergency."

To the Committee on Public Health.

By Senator Hazlewood:

S. B. No. 236, A bill to be entitled "An Act to amend House Bill No. 77, Chapter 467, Acts of the 44th Legislature, Second Called Session, 1935, as amended, being the Texas Liquor Control Act and being the Act codified as Articles 666 and 667, Vernon's Penal Code by adding a provision to Article I of said Act making it unlawful for any person to possess any alcoholic beverage on the premises of or premises directly or indirectly under the regulation or control of any Junior College, College or University; providing for seizure of alcoholic beverages and arrest of offenders; providing a penalty; and declaring an emergency."

To the Committee on Criminal Jurisprudence.

By Senator Rogers of Childress:

S. B. No. 237, A bill to be entitled "An Act to amend Article 199, Section 69 of the Revised Civil Statutes of Texas, 1925, as amended and last amended by Chapter 154, Acts of the 50th Legislature, 1947, by redefining the territorial limits of the 69th Judicial District; confirming the territorial limits of the 64th and 47th Judicial Districts thereto, etc.; and declaring an emergency."

To the Committee on Judicial Districts.

By Senator Willis:

S. B. No. 238, A bill to be entitled "An Act amending Article 2621 of the Revised Civil Statutes of 1925, changing the status of Arlington State College to a standard four year college and providing for a course of study for the same; and expressly repealing Articles 2622 and 2623 of the Revised Civil Statutes of 1925, Chapter 46 of the Acts of the Forty-first Legislature, First Called Session, 1925; and declaring an emergency."

To the Committee on State Affairs.

By Senator Phillips:

S. B. No. 239, A bill to be entitled "An Act amending Section 11-A, Section 15 and Section 16 of House Bill No. 50, Chapter 270 of the Acts of the Regular Session of the 40th Legislature, 1927, as amended, so as to change the name of the Motor Transportation Fund to the Motor Carrier Fund, thereby establishing one fund

where two funds now exist, and declaring an emergency."

To the Committee on Finance.

By Senator Ashley:

S. B. No. 240, A bill to be entitled "An Act to amend Article 1161, Revised Civil Statutes of Texas, 1925; providing for the appointment of a person to be city clerk, and assessor and collector of taxes; providing for the appointment of other officers of the city or town; providing for a good and sufficient bond for the city clerk; defining their duties and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Martin:

S. B. No. 241, A bill to be entitled "An Act making it unlawful to remove, alter, deface, cover or destroy the manufacturer's serial number or other manufacturer's number or other distinguishing identification mark upon any tractor or farm implement; making it unlawful for any person, firm, association, or corporation to sell or offer for sale, any tractor or farm implement whose serial number or manufacturer's number, or other distinguishing identification mark has been removed, altered, defaced, covered or destroyed upon said tractor or farm implement; prescribing penalties for violation of this Act; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Strauss:

S. B. No. 242, A bill to be entitled "An Act amending Section 1 of Article 2350, Revised Civil Statutes of Texas as amended so as to increase the base compensation of County Commissioners in certain counties, providing this Act shall not affect the provisions of Senate Bill 92, Acts of the 51st Legislature, etc., and declaring an emergency."

To the Committee on State Affairs.

By Senator Lock:

S. B. No. 243, A bill to be entitled "An Act amending Section 5 of Article VI, of Senate Bill 116, Acts of the 51st Legislature, Regular Session, 1949, Chapter 334, page 625, (Article 2922-16, Section 5, V.A.C.S.); and declaring an emergency."

To the Committee on Educational Affairs.

By Senator Willis:

S. B. No. 244, A bill to be entitled "An Act prohibiting the publication or distribution of any book, magazine or other publication which rates or classifies or attempts to rate or classify the professional ability of certain professions; prescribing a penalty; repealing laws to extent of conflict; and declaring an emergency."

To the Committee on State Affairs.

By Senator Lock:

S. J. R. No. 11, Proposing an amendment to Section 5 of the Constitution of Texas relating to the terms for convening the Legislature of the State of Texas; providing that the Regular Session of the Legislature shall not exceed ninety (90) days in duration; providing that each House shall determine its order of business; providing for the submission of the proposed amendment to a vote of the people and appropriating funds for the financing thereof; and providing for the effective date of the amendment if ratified.

To the Committee on Constitutional Amendments.

By Senator Willis:

S. J. R. No. 12, Proposing an amendment to the Constitution of the State of Texas, amending Article III by adding a new Section to be known as Section 51g, providing that the Legislature shall have the power to provide assistance to and provide for the payment of same out of State funds to residents of Fraternal Homes if the resident meets other eligibility requirements for Old Age Assistance or Aid to the Blind; providing that the payments of such assistance from State funds shall not exceed Ten (\$10.00) Dollars per month per recipient; providing that the payment of such assistance shall not be dependent upon the payment of assistance from the Federal Government on behalf of such recipients; providing for the necessary election, form of ballot, proclamation, and publication, and making an appropriation to defray the necessary expenses of proclamation, publication, and holding the election.

To the Committee on Constitutional Amendments.

Senate Resolution 129

Senator Strauss offered the following resolution:

Whereas, We are honored today to

have in the gallery 29 students of the 7th grade of the Giddings elementary school accompanied by Mr. Lawrence, their teacher; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens are here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Strauss presented the students and Mr. Lawrence to the Members of the Senate.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
March 11, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. 26 (The House failed to adopt), Condemning article in April issue of Esquire on Texas.

(With amendment.)

S. B. No. 88, A bill to be entitled "An Act authorizing cities to hold an election to authorize the use of the proceeds of sale of bonds for other purposes, where the purpose for which the bonds were voted has been accomplished by other means or has been abandoned; containing a saving clause, etc.; and declaring an emergency."

(With amendments)

S. B. No. 109, A bill to be entitled "An Act abolishing the office of County Attorney of Smith County, Texas; creating the constitutional office of Criminal District Attorney for Smith County; providing for the election, tenure of office, etc.; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Resolution 130

Senator Rogers of Travis offered the following resolution:

Whereas, The Church Women's Third Legislative Seminar is now being held at the Central Methodist Church in Austin; and

Whereas, This meeting is being sponsored by the Texas State Council of Methodist Women of Texas for the purpose of encouraging the passage of desirable legislation; and

Whereas, This Council is composed of representatives from five white and one negro conference in this State; and

Whereas, Four officers from each conference automatically become members of the Council by virtue of their participation in their local conferences; and

Whereas, These fine Christian women are an inspiration to the members of the Legislature in their effort to enact sound constructive laws for our State; now, therefore, be it

Resolved, By the Senate of the 53rd Legislature, that these good ladies be officially welcomed to their Capitol and the State Senate; that they be commended for the fine work which they are doing; that they be recognized by this body and be extended the courtesies of the floor for the day; and that a copy of this resolution be presented to them.

ROGERS of Childress
COLSON
ROGERS of Travis

The resolution was read and was adopted.

Senator Rogers of Travis presented the women to the Members of the Senate.

Senate Resolution 132

Senator Sadler offered the following resolution:

Whereas, On March 2, 1953, Miss Fleur Walton, Abilene high school teacher, was awarded a grant from the Ford Foundation, financing a year of study and travel beginning next September; and

Whereas, Miss Walton teaches history, civics and commercial law and directs the forensic activities; she is the daughter of Mr. and Mrs. W. T. Walton. Mr. Walton is Vice President and Dean of Students at Hardin-Simmons University. Miss Walton has

a Bachelor of Arts Degree from Hardin-Simmons and has done graduate work at the University of Colorado. Her studies under the Ford Award will be in the field of the U. S. Government and international governmental relations. She expects to view the United Nations at work in New York, and to observe the national government activities in Washington, D. C. Miss Walton will also take some courses at a university. Details of her studies and travels will be worked out later and approved by the Ford Foundation; now, therefore, be it

Resolved, By the Senate of Texas, that we congratulate Miss Fleur Walton upon her selection by the Ford Foundation; and that a copy of this resolution be sent to her wishing her well in this new venture.

The resolution was read and was adopted.

Senate Resolution 133

Senator Bracewell offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Senior High School Government Class of Spring Branch High School, Harris County, Texas, together with their teacher, Mr. Jack H. Lynch; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This class of young American citizens are here to observe the workings of its State Government; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be commended for their interest in our Government, and that the class be furnished with a copy of this resolution.

The resolution was read and was adopted.

Senator Bracewell presented the class and Mr. Lynch to the Members of the Senate.

Senate Resolution 134

Senator Bracewell offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Government Class of Katy High School, Harris County, Texas; and

Whereas, These students are on an

educational tour of the Capitol Building; and

Whereas, This class of young American citizens are here to observe the workings of its State Government; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be commended for their interest in our Government, and that the class be furnished with a copy of this resolution.

The resolution was read and was adopted.

Senator Bracewell presented the students to the Members of the Senate.

Senate Resolution 135

Senator Hardeman offered the following resolution:

Be It Resolved by the Senate of Texas, that at such times as the Senate may direct, there shall be prepared local and uncontested calendars, which calendars shall be prepared by a committee of five appointed by the Lieutenant Governor.

The resolution was read and was adopted.

Message From the Governor

The President laid before the Senate and directed the Secretary to read the following message received from the Governor:

Austin, Texas,
March 11, 1953.

To the Members of the Fifty-Third Legislature:

Complying with the request contained in House Concurrent Resolution No. 41, I am returning herewith House Bill No. 60.

Respectfully submitted,
ALLAN SHIVERS,
Governor of Texas.

Conference Committee Report on House Bill 58

Senator Kelley submitted the following Conference Committee Report on H. B. No. 58:

Austin, Texas,
March 10, 1953.

Hon. Ben Ramsey, President of the Senate:

Hon. Reuben Senterfitt, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on House Bill No. 58, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

KELLEY
SHIREMAN
HARDEMAN
CORBIN
MOORE

On the part of the Senate

MURRAY
KILGORE
GARRETT
BRISCOE

On the part of the House.

H. B. No. 58

**A BILL
TO BE ENTITLED**

"An Act authorizing counties in this State to donate and convey land to the State of Texas for the establishment of a State Tuberculosis Sanatorium; providing the method of conveyance; excepting lands donated for educational purposes; providing an repealing clause; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. All counties in this State are hereby authorized to donate and convey land to the State of Texas in consideration of the establishment of a State Tuberculosis Sanatorium by the Board for Texas State Hospitals and Special Schools.

Sec. 2. The desirability, manner, and form of the donation and conveyance shall be within the discretion of the Commissioners Court of the particular county.

Sec. 3. No provision of this Act shall authorize the Commissioners Court of any such county to convey any land given or donated or granted to the county for the purpose of education in any manner other than that which is or shall be directed by law.

Sec. 4. All laws and parts of laws in this State which are in conflict with the provisions of this Act are hereby specifically repealed only in so far

as such laws or parts of laws are in conflict with the provisions of this Act.

Sec. 5. The incidence of tuberculosis in the larger counties of this State and the importance of this legislation to public health and the need for a broad discretion on the part of a Commissioners Court in matters of this nature creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills to be read on three several days in each House of the Legislature be suspended, and said Rule is hereby suspended, and that this Act shall take effect and shall be in force from and after its passage, and it is so enacted.

The Conference Committee report was read and was adopted by the following vote:

Yeas—26

Aikin	Moore
Ashley	Phillips
Bracewell	Rogers
Colson	of Childress
Corbin	Rogers of Travis
Fuller	Russell
Hardeman	Sadler
Hazlewood	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagon seller
Lock	Weinert
Martin	Willis
Moffett	

Absent

Bell	McDonald
Kazen	Parkhouse

Absent—Excused

Rutherford

Senate Resolution 136

Senator Martin offered the following resolution:

Whereas, We are honored today to have in the gallery the Civics Class from the Sidney High School accompanied by B. Ray McCaskle and Mrs. R. C. Pinkard; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens are here to observe and learn firsthand the workings of

their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Martin presented the class and their teachers to the Members of the Senate.

Vote on Substitution of Minority Report for Majority Report on Senate Bill 104 Reconsidered

Senator Secrest moved to reconsider the vote by which the Minority Report on S. B. No. 104 failed to be adopted on yesterday.

Senator Martin moved to table the motion.

The motion to table was lost by the following vote:

Yeas—11

Ashley	Moffett
Bracewell	Parkhouse
Kelley	Phillips
Lock	Sadler
Martin	Weinert
McDonald	

Nays—18

Aikin	Rogers
Bell	of Childress
Colson	Rogers of Travis
Corbin	Russell
Fuller	Secrest
Hardeman	Shireman
Hazlewood	Strauss
Lane	Wagonseller
Latimer	Willis
Moore	

Absent

Kazen

Absent—Excused

Rutherford

Question recurring on the motion to reconsider the vote, the motion prevailed by the following vote:

Yeas—18

Aikin	Corbin
Bell	Fuller
Colson	Hardeman

Hazlewood	Russell
Lane	Secrest
Latimer	Shireman
Moore	Strauss
Rogers	Wagonseller
of Childress	Willis
Rogers of Travis	

Nays—9

Bracewell	Parkhouse
Kelley	Phillips
Martin	Sadler
McDonald	Weinert
Moffett	

Absent

Ashley	Lock
Kazen	

Absent—Excused

Rutherford

Question—Shall the Minority Report be substituted for the Majority Report on S. B. No. 104?

The motion to substitute prevailed by the following vote:

Yeas—19

Aikin	Phillips
Bell	Rogers
Colson	of Childress
Corbin	Rogers of Travis
Fuller	Russell
Hardeman	Secrest
Hazlewood	Shireman
Lane	Strauss
Latimer	Wagonseller
Moore	Willis

Nays—10

Ashley	McDonald
Bracewell	Moffett
Kelley	Parkhouse
Lock	Sadler
Martin	Weinert

Absent

Kazen

Absent—Excused

Rutherford

Senate Resolution 137

Senator Strauss offered the following resolution:

Whereas, We are honored today to have in the gallery the students of the 7th and 8th grades of the Cistern school of Fayette County accom-

panied by their teacher Gilbert Keiler; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens are here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Strauss presented the students and Mr. Keiler to the Members of the Senate.

House Bill 278 on Second Reading

Senator Lane moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 278 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Russell
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

Absent

Ashley Hazlewood

Absent—Excused

Rutherford

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 278, A bill to be entitled

"An Act creating a Board of Managers for the Texas State Railroad as an agency of the State of Texas; providing for the appointments, terms, powers and duties of such Board members; ratifying the acts of prior Boards; directing that the present Board transfer possession of the Texas State Railroad to the Board of Managers herein created; authorizing the Board to sell or lease or contract in regard to the Texas State Railroad; providing for the transmittal of all money received by the Board to the State Treasurer and directing his disposition of the same; providing for annual reports by said Board and for certain audits by the State Auditor; authorizing free transportation for Board members; ratifying a certain lease contract now in force; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 278 on Third Reading

Senator Lane moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 278 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Parkhouse
Bell	Phillips
Bracewell	Rogers
Colson	of Childress
Corbin	Rogers of Travis
Fuller	Russell
Hardeman	Sadler
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Martin	Weinert
Moore	Willis

Nays—2

McDonald Moffett

Absent

Ashley Lock
Hazlewood

Absent—Excused

Rutherford

The President then laid the bill be

fore the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Moore
Ashley	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Sadler
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Weinert
Lock	Willis
Martin	

Nays—5

Bell	Russell
McDonald	Wagonseller
Moffett	

Absent

Hazlewood

Absent—Excused

Rutherford

House Bill 21 on Second Reading

Senator Bell moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 21 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Ashley	Parkhouse
Bell	Phillips
Bracewell	Rogers
Colson	of Childress
Corbin	Rogers of Travis
Fuller	Russell
Hardeman	Sadler
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Lock	Weinert
Martin	Willis
McDonald	

Absent

Hazlewood	Moore
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Absent—Excused

Rutherford

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 21, A bill to be entitled "An Act providing that no funds of the State of Texas shall be paid to any person as salary or as other compensation for personal services unless and until such person files the oath or affirmation required by this Act; prescribing the provisions of the oath or affirmation; requiring the Department of Public Safety to obtain and distribute certain information referred to in the oath or affirmation; requiring agencies of this State to make a further distribution of such information; prohibiting the State Board of Education from adopting or purchasing any textbook unless and until the author of such textbook takes the oath or affirmation required by this Act; providing for an oath or affirmation by the publisher of a textbook if the author thereof is dead or cannot be located; containing a severability clause; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 21 on Third Reading

Senator Bell moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 21 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Ashley	Parkhouse
Bell	Phillips
Bracewell	Rogers
Colson	of Childress
Corbin	Rogers of Travis
Fuller	Russell
Hardeman	Sadler
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Lock	Weinert
Martin	Willis
McDonald	

Absent

Hazlewood	Moore
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Absent—Excused

Rutherford

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Moffett
Ashley	Parkhouse
Bell	Phillips
Bracewell	Rogers
Colson	of Childress
Corbin	Rogers of Travis
Fuller	Russell
Hardeman	Sadler
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Lock	Weinert
Martin	Willis
McDonald	

Absent

Hazlewood Moore

Absent—Excused

Rutherford

House Bill 206 on Second Reading

Senator Wagonseller moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 206 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Martin
Ashley	Moffett
Bell	Phillips
Bracewell	Rogers
Colson	of Childress
Corbin	Russell
Fuller	Sadler
Hardeman	Secrest
Kazen	Shireman
Kelley	Strauss
Lane	Wagonseller
Latimer	Weinert
Lock	Willis

Nays—1

Parkhouse

Present—Not Voting

Rogers of Travis

Absent

Hazlewood Moore
McDonald

Absent—Excused

Rutherford

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 206, A bill to be entitled "An Act authorizing County Commissioners Courts to compensate constables and deputy constables for transportation or furnish adequate transportation within the State; providing for sworn statements covering such transportation; providing that this Act shall be severable; repealing all laws in conflict with this Act; and declaring an emergency."

The bill was read second time.

Senator Bracewell offered the following amendment to the bill:

Amend H. B. 206 by changing the word "shall" in Section 1, subsections (b) and (c) to the word "may."

The amendment was adopted.

The bill as amended was passed to third reading.

House Bill 206 on Third Reading

Senator Wagonseller moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 206 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Russell
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis

Absent

Hazlewood

Absent—Excused

Rutherford

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Russell
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Lock	Weinert
Martin	Willis
McDonald	

Absent

Hazlewood Sadler

Absent—Excused

Rutherford

Bills Signed

The President announced the signing in the presence of the Senate, after the captions has been read, the following enrolled bills:

S. B. No. 109, A bill to be entitled "An Act abolishing the office of County Attorney of Smith County, Texas; creating the constitutional office of Criminal District Attorney for Smith County; providing for the election, tenure of office, etc.; and declaring an emergency."

H. B. No. 60, A bill to be entitled "An Act amending Chapter 297, Acts of the 52nd Legislature, which prohibits the use of nets and seines in fresh public waters and otherwise regulates the taking, possession, and sale of fish in certain counties, by eliminating from its provisions the counties of Rains, Van Zandt, Henderson, Cherokee, Nacogdoches, San Augustine, Sabine, Tyler, and Smith; and declaring an emergency."

Adjournment

On motion of Senator Hardeman, the Senate at 11:50 o'clock a. m. adjourned until 10:30 o'clock a. m. tomorrow.

In Memory of
W. J. Cunningham

Senator Sadler offered the following resolution:

(Senate Resolution 131)

Whereas, Honorable W. J. Cunningham, of Abilene, Texas, ceased his earthly labors and was called to his reward on September 3, 1952; and

Whereas, He is survived by his widow and three children: Mrs. M. R. Irion of Dallas; Mrs. J. M. Chandler of Austin, and W. J. Cunningham, Jr. of Midland; and

Whereas, He was born October 8, 1870 in Baxter County, Arkansas, and moved to Texas at the age of seven with his parents. He attended school at Denton, studied law there and practiced with a lawyer in Waco before moving to Abilene; and

Whereas, Arriving in Abilene on Thanksgiving Day, 1899, he began the practice of law and soon formed a partnership that endured for twelve years with the late W. H. Sewell; and

Whereas, He became District Attorney of the 42nd District Court and served from 1904 until 1907. In 1906 he was nominated by a convention to serve in the State Senate. He then resigned his office as District Attorney and took over the senator's post. Stating that he could not afford to stay in Austin, he soon returned to Abilene with his family, and returned to the practice of law; and

Whereas, In 1918 he was again elected as District Attorney of the 42nd District and served in this office nearly four years. In 1938 he was appointed Abilene City Attorney; and

Whereas, By reason of his hard work and sagacity, he acquired a large and lucrative law practice and was a friend and counselor to the rich and poor, the great and the small, and whose many deeds of charity and whose acts of kindnesses to others were unlimited; and

Whereas, Judge Cunningham was widely known throughout the State and Nation by people in all walks of life and his companionship and advice sought by his friends; and

Whereas, It is the desire of the members of the Senate of Texas to pay tribute to him and to recognize this true son of Texas and to express their sympathy to his surviving widow and children; now, therefore, be it

Resolved, By the Senate of the State of Texas, that a page in the Journal be set aside in memory of Judge W. J. Cunningham and that when the Senate adjourns today it do so in his honor and that copies of this resolution be sent to the members of his family and to the Secretary of the Taylor County Bar Association.

The resolution was read and was adopted by a rising vote of the Senate.